

TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 203, 3402, 3404, and 3406 of the Fish and Game Code and to implement, interpret or make specific sections 3400-3404, 3406-3409, 4331-4332 and 4341 of said Code, proposes to amend section 601, Title 14, California Code of Regulations, Re: Enhancement and Management of Fish and Wildlife and their Habitat on Private Lands.

Informative Digest/Policy Statement Overview

The Department of Fish and Game ("Department") proposes to amend Section 601, Title 14 of the California Code of Regulations by establishing a specific process for exchanging an unfilled public hunt pronghorn antelope tag for a Private Wildlife Management Area (PWMA) pronghorn antelope tag. Existing regulations identify special tags and/or seals that hunters must possess to hunt game species included in the management plan for a PWMA. Under these regulations, public big game tags are not valid on a PWMA for species included in the respective management plan. The proposed amendment is necessary because it maintains and/or enhances access to private property for pronghorn antelope hunting. Specific conditions for exchanging a public hunt pronghorn antelope tag for a PWMA pronghorn antelope tag are as follows: buck tags must be exchanged for buck tags, doe tags must be exchanged for doe tags, exchange may occur only for a PWMA tag within the zone specified on the public tag, season/hunt period dates remain the same as those of the public tag, and a PWMA pronghorn antelope tag may not be exchanged for a public tag.

The Department is also proposing to amend the fee schedule for private Wildlife Habitat Enhancement Area licenses and hunting tags. Fees charged for these licenses and hunting tags have not been modified since 1991-92. The cost to the Department to administer this program has increased dramatically over the last ten years due primarily to the increase in ranches participating in the program. The Department is conducting an analysis of program cost and revenue to determine the increase necessary to meet program costs, and is recommending a 20% across-the-board increase in license and hunting tag fees pending completion of the budget analysis. The proposed fees ranges are as follows:

§ 601(b)(4) Proposed License Fees Ranges		
Category	Proposed Fee Ranges	Area
(A)	\$1,250.00 - no change	Less than 5000 acres
(B)	\$1,500.00 - \$1,800.00	5,001 to 10,000 acres
(C)	\$1,750.00 - \$2,100.00	10,001 to 15,000 acres
(D)	\$2,000.00 - \$2,400.00	Greater than 15,001 acres

The Department also proposes minor editorial changes to correct errors, improve clarity and reduce redundancy of the section. Specifically, an erroneous reference to a three-year PWMA license period in subsection 601 (b)(4) is removed. Additionally, the meaning of "unused" tag(s) is ambiguous; this term is replaced with "unfilled public" tag(s) to improve clarity of the section. Redundant provisions and/or requirements within the section are removed, and other minor editorial and organizational changes are included for consistency and to improve clarity.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisor's Chambers, Administration Building, 2800 W. Burrel, Visalia, CA, on Friday, April 4, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 31, 2003, at the address given below, or by fax at 916-653-5040, or by e-mail at FGC@dfg.ca.gov, but must be received no later than April 4, 2003, at the hearing in Visalia, CA. E-mail comments must include a true name and mailing address of the commenter.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking

file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon D. Snellstrom at the preceding phone number. John Carlson, Department of Fish and Game, (916) 445-3555 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov_fg.comm

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts procedures for exchanging pronghorn antelope PLM tags, adjusts PLM license and tag fees, and makes minor editorial changes. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Date: February 4, 2003

John M. Duffy
Assistant Executive Director